IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2877 OF 2005
IN
FIRST APPEAL NO.1204 OF 2005

Central Warehousing Corporation ...Applicants.
V/s.
Mathadi Kamgar Sahakari Sanshta ... Respondents.

M/s. S.I. Shah & Co., for the Appellants.
Mr. A.M. Kulkarni, for the Respondent.

CORAM : A.S. OKA, J.
DATE : 11TH AUGUST 2006

P.C. :

1. Heard Advocates appearing for the parties. It is not in dispute that necessary amount has been deposited as per clause 4 of order dated 28th March 2006. The amount has been deposited with the Trial Court.

2. As the Appeal is admitted, the ad-interim relief granted earlier deserves to be continued. However, the Respondent - Original Plaintiff will be entitled to withdraw the amount deposited by the Applicant on furnishing adequate security to the satisfaction of the Trial Court. Hence, application is disposed of by passing the following order :-

(a) Till the final disposal of the Appeal, operation and execution of clause No.3 of the operative part of the impugned judgment and decree will remain stayed.

(b) The Respondent will be entitled to withdraw the amount deposited by the Applicant subject to furnishing adequate security to the satisfaction of the Trial Court.

Before accepting the security, the Trial Court will hear the Applicant.

(c) If the amount which is deposited by the Applicant is not withdrawn by the Respondent within a period of six months from today, the Trial Court will invest the same in a fixed deposit in any Nationalized Bank initially for a period of 5 years and the same shall be thereafter renewed from time to time till the disposal of the First Appeal.

(d) There is no order as to costs.

JUDGE